



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.26038 of 2021

1.Vijayaram
2.Vasnaram

... Petitioners/A1 & A2

Vs.

State: Rep. by
The Inspector of Police,
C-2, Sunguvarchatram Police Station,
Kanchipuram District.

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners/accused on bail in Crime No. 721 of 2021 on the file of the The Inspector of Police, C2, Sunguvarchatram Police Station, Kanchipuram District.

For Petitioners : M/s.S.Ravichandran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

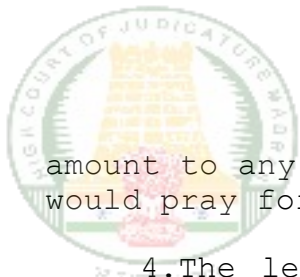
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 04.11.2021 for the offences under Sections 294(B), 353, 328, 506 (i) of IPC read with Section 24 (1) of COTP Act, in Crime No.721 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is on 04.11.2021, during regular vehicle check up, the respondent police found the petitioners transporting banned tobacco products in 39 gunny bags worth about Rs.5,20,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for 60 days from 04.11.2021 and that the co-accused has already released on anticipatory bail by this Court in Crl.O.P.No.25018 of 2021 by order dated 23.12.2021. He would further submit that the petitioners are ready to deposit a substantial



amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) vehemently opposed stating that the petitioners/A1 and A2 illegally transported banned tobacco products worth more than Rs.5 lakhs and there is one previous case against the petitioners but admits that the co-accused/A3 has been granted anticipatory bail and that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only) each, to the credit of the Registered Advocate Clerks Association, Salem, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the fact that the co-accused has been granted anticipatory bail by this Court and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each through demand draft to the Registered Advocate Clerks Association, Salem, without prejudice to their defence before the trial Court and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Sriperumbudur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m. until further orders.



(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
C-2, SUNGUVARCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

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+1CC to M/S. S.RAVICHANDRAN Advocate on payment of necessary
charges SR.NO.07

CRL OP.26038/2021

Date :03/01/2022

CSK 04/01/2022